IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 955 of 2005 (S/S)

Smt. Meena Mahiwal
W/o Shri Suresh Chandra mahiwal
Presently posed as Assistant Teacher, (L.T. Grade)
Government Girls Inter College
Sultanpur, Udham Singh nagar
Resident Of Holi Chauraha
Rampur Road, Sultanpur Patti
District Udham Singh Nagar ……Petitioner

Versus

1. State of Uttaranchal through Secretary
   Secondary Education, Dehradun
   Government of Uttaranchal
2. Director of Education
   Uttaranchal, Mayur Vihar
   Dehradun
3. Joint Director of Education
   Kumaon Mandal Nainital
4. District Education officer
   Udham Singh Nagar
5. Principal Government Girls Inter College
   Sultanpur, District Udham Singh Nagar …….Respondents

Sri I.D. Paliwal, learned counsel for the petitioner
Sri H. Belwal, leaned standing counsel for the respondent

Hon'ble B.C. Kandpal, J.

By means of this writ petition a relief has been sought in the nature of certiorari quashing the impugned transfer order 30.06.2005 (annexure No. 4 to the petition) passed by the respondent No. 3.

Brief facts giving rise to this petition are that the petitioner was appointed as Assistant Teacher,(C.T.) in Government Girls Inter College, Paye Garur, District Bageshwar in the year 1986 vide order dated 12.03.1986. Therefore, the petition was transferred to various places in the State.

The respondent No. 3 i.e. Joint Director of Education, Kumaon Mandal, Nainital transferred the petitioner from G.G.I.C. Sultanpur to G.G.H.S. Anthan, District Bageshwar vide impugned transfer order dated 30.06.2005.

Feeling aggrieved by the aforesaid transfer order, the petitioner has preferred this petition before this Court.

Heard leaned counsel for the petitioner as well as learned standing counsel for the State and perused the record.

Learned counsel for the petitioner has submitted before me that the petitioner has already served more than 12 yeas of his service in the hill station which comes under the category of *'Durgam Area.'*

Learned counsel for the petitioner has further submitted by the learned counsel for the petitioner that the policy which has been envisaged vide government Order No. 718/XXIV(2)/2005 dated 13.05.2005 providing the Rules of Transfer of Teaching relating to Basic and Secondary Education in which it has been given for the inconsistent subject has not been followed in the case of the petitioner.

Learned counsel for the petitioner placed before me Government Order No. 718/XXIV(2)/2005 dated 13.05.2005 providing the Rules of Transfer of Teacher relating to Basic and Secondary Education.

In view of the above mentioned G.O., the petitioner is entitled for *Sugam Area* but this fact has also been overlooked by the respondent No. 3 while passing the impugned transfer order.

Accordingly, the respondent No.3 is directed to decide the representation of the petitioner dated 08.07.2005 provided the petitioner shall file the certificate copy of the judgment passed by this Court within a period of 15 days and the respondent No. 3 shall thereafter decide the representation of the petitioner in the light of the Government Order dated 13.05.2005 within a period of 15 days by passing the speaking and reasoned order.

With the aforesaid observation, the writ petition is finally disposed of.

(B.C. Kandpal, J.)

15.07.2005
ASWAL